



# California Regional Water Quality Control Board

## San Francisco Bay Region



Linda S. Adams  
Secretary for  
Environmental Protection

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Arnold Schwarzenegger  
Governor

July 23, 2009  
File No. 43-3121 (NMK)

CERTIFIED MAIL  
Receipt of Delivery Requested

Mr. Cuong Chon Huynh  
Pete's Stop  
290 Keyes Street  
San Jose, CA 95112

Mr. Dung Ha and Ms. Kieu Huynh  
2130 Hillstone Drive  
San Jose, CA 95138

SUBJECT: Transmittal of Order – Rescission of Site Cleanup Requirements, 290 Keyes Street, San Jose, Santa Clara County

Dear Mr. Huynh, Mr. Ha, and Ms. Huynh:

Attached is Regional Water Board Order No. R2-2009-0054 (Order). This Order rescinds Site Cleanup Requirements Order No. R2-2008-0093 adopted on November 12, 2008. This Order has been issued administratively by the Executive Officer under authority granted by the Regional Water Board.

The Regional Water Board has transferred oversight of this case to the Santa Clara County Department of Environmental Health (County Health Department). Please submit all future reports including the revised corrective action plan directly to the County Health Department at the following address:

Ms. Nicole Pullman [Nicole.pullman@deh.co.scl.ca.us](mailto:Nicole.pullman@deh.co.scl.ca.us)  
Santa Clara County - Department of Environmental Health  
1555 Berger Drive, Suite 300, San Jose, CA 95112-2716

If you have any questions, please contact Nathan King of my staff at (510) 622-3966 or via e-mail at [nking@waterboards.ca.gov](mailto:nking@waterboards.ca.gov).

Sincerely,

Digitally signed  
by Bruce Wolfe  
Date: 2009.07.23  
11:44:04 -07'00'

Bruce H. Wolfe  
Executive Officer

*Preserving, enhancing, and restoring the San Francisco Bay Area's waters for over 50 years*



Recycled Paper

Attachment: Order No. R2-2009-0054  
cc with attachment:

Mr. James Herink  
Office of Chief Counsel  
State Water Resources Control Board  
[jherink@waterboards.ca.gov](mailto:jherink@waterboards.ca.gov)

Ms. Nicole Pullman  
Santa Clara County  
Department of Environmental Health  
[Nicole.pullman@deh.co.scl.ca.us](mailto:Nicole.pullman@deh.co.scl.ca.us)

Mr. George Cook  
Santa Clara Valley Water District  
[gcook@valleywater.org](mailto:gcook@valleywater.org)

Mr. Napp Fukuda  
City of San Jose  
[Napp.fukuda@sanjoseca.gov](mailto:Napp.fukuda@sanjoseca.gov)

Ms. Sophia Drugan  
Kleinfelder West, Inc.  
[SDrugan@kleinfelder.com](mailto:SDrugan@kleinfelder.com)

Ken Berry  
California Citizens for Environmental Justice  
[berry-k@sbcglobal.net](mailto:berry-k@sbcglobal.net)

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

ORDER NO. R2-2009-0054

RESCISSION OF SITE CLEANUP REQUIREMENTS (ORDER NO. R2-2008-0093) FOR:

PETE'S STOP, MR. CUONG CHON HUYNH, DUNG V HA AND KIEU TUYET HUYNH  
(AS TRUSTEES FOR THE DUNG V HA AND KIEU TUYET HUYNH AB LIVING TRUST),  
AND MR. PETER SIALARIS

for the property located at

290 KEYES STREET  
SAN JOSE  
SANTA CLARA COUNTY

1. **Regional Water Board Orders:** The Regional Water Board adopted Site Cleanup Requirements (SCR) for this Site on November 12, 2008 (Order No. R2-2008-0093).
2. **Summary of Investigation and Remediation Activities:** One 12,000-gallon and two 10,000-gallon gasoline underground storage tanks (USTs) and two 10,000-gallon and one 2,000-gallon diesel USTs and associated piping and dispensers were removed and replaced at the Site in 1997.

Soil samples collected during an investigation of the Site in 2006 contained the following maximum concentrations: 3,300 mg/kg gasoline, 1.2 mg/kg benzene, 12 mg/kg methyl-tert butyl ether (MtBE), and 3 mg/kg tertiary butyl alcohol (TBA).

Groundwater samples recently collected at the Site during the first quarter 2009 monitoring event contained the following maximum concentrations: 14,000 µg/l gasoline, 3,100 µg/l benzene 12,700 µg/l MtBE, and 9,650 µg/l TBA.

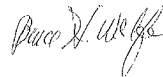
A groundwater extraction and treatment system operated sporadically at the Site from December 2002 until February 2008. The system consisted of four shallow extraction wells with granular activated carbon treatment. A total of 1,165,000 gallons of groundwater were extracted and treated. Approximately 40 pounds of gasoline were removed by groundwater extraction.

A soil vapor extraction system was installed at the Site and operated sporadically from May 2006 to December 2007. An internal combustion engine extracted and treated hydrocarbon-contaminated vapor from four groundwater monitoring wells and six vapor extraction wells.

Due to a history of noncompliance with regulatory directives, the Santa Clara County Local Oversight Program (LOP), the local agency charged with overseeing the cleanup of fuel cases in Santa Clara County, asked that the Regional Water Board get involved. The Regional Water Board issued the SCR and two Administrative Civil Liabilities in November 2008 to Pete's Stop, Mr. Cuong Chon Huynh, Mr. Dung Ha, Ms. Kieu Huynh, and Mr. Peter Sialaris (Dischargers). Since that time, the Dischargers are now complying with the requirements of the SCR and have submitted a draft corrective action plan and the first quarter 2009 self-monitoring report. The Dischargers plan to prepare a revised corrective action plan.

3. **Basis for Rescission:** The Dischargers have recently demonstrated compliance with the SCR; therefore it is appropriate to transfer oversight of the Site back to the Santa Clara County LOP and rescind the SCR.
4. **CEQA:** This action rescinds an Order to enforce the laws and regulations administered by the Regional Water Board and will have no physical impact on the environment. As such, rescission of the Order is not a project as defined in the California Environmental Quality Act (CEQA).

**IT IS HEREBY ORDERED**, pursuant to Section 13304 of the California Water Code, that Order No. R2-2008-0093 is rescinded.



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by Bruce Wolfe  
Date:  
2009.07.23  
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Date: July 23, 2009

Bruce H. Wolfe  
Executive Officer